

# Reality Check ✓

**Straight Facts for the '90s**

May 17, 1996

## **Must Our Prisons Be Resorts?**

### **Clinton's Justice Department Threatens Legal Action Against State for No-Frills Prison**

In nearly every poll of issues that concern the American people, violent crime is at or near the top of the list. People want murderers and rapists to be apprehended and punished, not coddled in plush accommodations. Just this week Americans were treated to a glimpse of a newly-revealed videotape of the late mass-murderer Richard Speck gleefully using drugs and engaging in sexual acts while in prison — vivid proof that some incarcerated felons are not being supervised strictly enough. Citizens are not losing sleep for fear that other Richard Specks are not being afforded sufficient amenities; instead they are applauding the revival of the chain gang by some states and the recent provision in the Anti-terrorism Bill to stop abusive, repetitive appeals by death row inmates, of their sentences.

Unfortunately, the Clinton Department of Justice (DOJ) has other priorities. At a time when citizens are demanding stern measures against crime, the DOJ is actually threatening to take legal action against the State of Maryland because violent offenders in a maximum-security facility must suffer, among other enormities, food that sometimes arrives cold.

#### **Clinton's DOJ "demonstrates a fundamental misunderstanding"**

Opened in 1989 at a cost of \$21 million, the Maryland Correctional Adjustment Center in Baltimore (known informally as "Supermax," for "super maximum" security) was built to hold as many as 288 of the state's most difficult inmates — those who are extremely violent, have escaped from other prisons, or have assaulted staff or other inmates. Currently, Supermax houses 105 murderers, 19 rapists, and those who have histories of escape or attempted escape. Prisoners are afforded individual cells and mandatory one hour out-of-cell time daily in a 65-square-foot room.

In December 1994, DOJ commenced an investigation of Supermax based on allegations of physical abuse of prisoners. After two years, DOJ concluded (in a May 1, 1996, "Notice of Findings" to Governor Parris Glendening from Assistant U.S. Attorney General for Civil Rights Deval Patrick) that they were "unable to find evidence of a pattern of physical abuse by Supermax staff against inmates." (In fact, this month a federal court dismissed charges against several correctional officers accused of prisoner abuse.) Undaunted, Patrick still threatened to take legal action against Maryland unless a host of "remedial measures" were taken to correct other claimed deficiencies. Among Patrick's charges (from the "Notice" of 5/1/96):

- **Cold food:** "Food placed in trays is not promptly covered; trays brought to the housing units is not promptly served. As a result, food is served lukewarm or cold." Patrick demands food be served at "proper temperatures."
- **Supervised psychological evaluations:** "Because some inmates have masturbated in the presence of Supermax's female psychologist during evaluations, all evaluations are now done in the presence of correctional officers. It is inappropriate to generalize this specific remedy to all inmates requiring mental health intervention." Incredibly, Patrick demands that the psychologist be afforded the protection of a correctional officer while evaluating a mentally-disturbed violent offender only "for inmates who have demonstrated behaviors requiring such security and only until the behaviors can be remedied by treatment." (Since the offense that landed the inmate in Supermax is evidently insufficient "demonstrated behavior" for Patrick, what does he require? That each inmate have the opportunity to make his own unsupervised assault on the psychologist before the presence of a correctional officer is considered appropriate?)
- **No walks outside:** "Supermax's failure to provide sufficient out-of-cell time on a daily basis as well as its failure to provide any opportunity to go outdoors is unconstitutional, especially given the highly restrictive regimen of daily life at the Maryland Supermax." Patrick demands more out-of-cell time, and at "least five times per week, this out-of-cell activity should occur outdoors, weather permitting." (Patrick does not volunteer whether a chain-gang program would be an appropriate "outdoor out-of-cell activity.")
- **Medical co-payment:** "Access to health care at Supermax may also be impeded by the fee system" — that is, non-indigent inmates are required to pay \$2.00 for non-emergency medical visits. Patrick demands Maryland "evaluate" this requirement.

In a same-day answer to Patrick, Richard Lanham, Commissioner of the Maryland Department of Corrections, stated that the DOJ report —

**"... demonstrates a fundamental misunderstanding of the nature of a super maximum security facility. [Supermax], which is modeled after a similar federal facility, was constructed to house inmates who by their own conduct create public safety justification for removal from traditional correction facilities. Supermax inmates require close custody and a high level of supervision but can by positive adjustment conduct earn their return to a maintaining facility. . . . There is nothing unconstitutional about the way Supermax is operated."** [emphasis added]

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